

**CITY OF EUREKA  
CITY COUNCIL/  
REDEVELOPMENT AGENCY  
AGENDA**

Marian Brady 1<sup>st</sup> Ward  
Linda Atkins 2<sup>nd</sup> Ward  
Mike Newman 3<sup>rd</sup> Ward  
Melinda Ciarabellini 4<sup>th</sup> Ward  
Lance Madsen 5<sup>th</sup> Ward



Frank J. Jäger, Mayor

**REGULAR MEETING  
TUESDAY, JUNE 21, 2011  
CLOSED SESSION 5:00 P.M.  
REGULAR SESSION 6:00 P.M.  
COUNCIL CHAMBER  
531 K STREET  
EUREKA, CA 95501**

David Tyson, City Manager  
Pam Powell, City Clerk  
William Bragg, Interim City Attorney

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**CLOSED SESSION**

*If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.*

**A. PUBLIC COMMENT PERIOD**

(Limited to 3 minutes each speaker on closed session agenda items only)

**B. Conference with labor negotiators**

Agency designated representatives: Gary M. Bird for City of Eureka

Employee organization: Eureka Fire Officers Local (EFOL)

*Pursuant to California Government Code Section 54957.6*

**C. Conference with legal counsel – existing litigation**

Humboldt Baykeeper, et al v. City of Eureka, et al (Humboldt Co. Superior Court No. CV100494)

*Pursuant to California Government Code Section 54956.9(a)*

**D. Conference with real property negotiators - Property: APN 001-054-45 and 001-054-13**

Agency negotiator: David W. Tyson for the City of Eureka

Negotiating Parties: Eureka Waterfront Partners

Under negotiation: price, terms, and conditions

*Pursuant to California Government Code Section 54956.8*

**E. Public Employee Evaluation: Police Chief**

*Pursuant to California Government Code Section 54957*

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**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

**INVOCATION** - Pastor G.L. Upshaw, Galilee Baptist Church

**PLEDGE OF ALLEGIANCE**

**REPORT OUT OF CLOSED SESSION**

**MAYOR'S ANNOUNCEMENTS**

4<sup>th</sup> of July Firework Display – Mike Jones

**COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS**

**BOARD/COMMISSION REPORTS**

Keep Eureka Beautiful

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**PUBLIC HEARINGS**

*Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.*

1. Public Hearing – Zook Variance Appeal: 1523 Everding Street (APN 012-206-014)  
Recommendation:
    1. Hold a public hearing; and
    2. Adopt a Resolution of the City Council “Findings of Fact”;  
and
    3. Uphold the May 9, 2011, action of the Planning  
Commissions and deny the appeal.  
(Community Development)
  2. Public Hearing – Vacate that Easement Reserved by Ordinance No. 2709 Located  
between Wabash Avenue and Del Norte Street from Short Street to Koster Street.  
Recommendation:
    1. Hold a public hearing; and
    2. Determine the Easement to be surplus; and
    3. Determine that vacating the Easement will have a cost-  
neutral or positive financial benefit to the City; and
    4. Order the Vacation of that Easement by adopting a  
Resolution of the City Council Ordering the Vacation of the  
Easement reserved by Ordinance No. 2709 located between  
Wabash Avenue and Del Norte Street from Short Street to  
Koster Street.  
(City Engineer)
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## PUBLIC COMMENT PERIOD

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. Pursuant to City Council Resolution No. 2011-22, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. The public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.*

*Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.*

3. Is there any person in the audience who wishes to address the Council at this time?

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## CONSENT CALENDAR

**Notice to the Public:** *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Pursuant to City Council Resolution 2011-22, if a member of the public would like an item on the Consent Calendar pulled and discussed separately, the request shall be made to a Councilmember prior to the meeting. Unless a specific request is made by a Councilmember, the Consent Calendar will not be read. There will be no separate discussion of these items.*

4. Council meeting minutes.

Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of May 17, 2011 and the special Council/Redevelopment Agency Board meeting minutes of May 26, 2011 and June 2, 2011 as submitted.  
(City Clerk)

5. Spellenberg, Jamee

Recommendation: Reject the claim for damages.  
(City Attorney)

6. Grossman, Simone

Recommendation: Reject the claim for damages.  
(City Attorney)

7. Redevelopment Agency – Extension of Exclusive Right to Negotiate (ERTN) Agreement with Marty & Michele L’Herault DBA Old town Carriage Company

Recommendation: Authorize a 180 day Exclusive Right to Negotiate Agreement extension between the Eureka Redevelopment Agency and

Marty and Michele L'Herault dba Old Town Carriage Company, for the purchase and development of APN 001-013-016, located at 1<sup>st</sup> and "C" Streets.  
(Redevelopment Director)

8. Request for Exception to the Hiring Freeze

Recommendation: Approve an exception to the hiring freeze for the Fire Services Officer position.  
(Personnel Director)

9. Eureka Payments Credit Card Processing Contract

Recommendation: 1. Approve the contract with Eureka Payments as the City's credit card transactions processing company; and  
2. Authorize the Finance Director to sign all documents related to the agreement.  
(Finance Director)

10. Harris Street Signalization Bid No. 2010-03

Recommendation: 1. Declare Smith Electric the low bidder for the Harris Street Signalization Project; and  
2. Award Bid No. 2010-03 to Smith Electric for the amount of \$172,908.00; and approve \$185,000 for construction, which includes a contingency of approximately 7%.  
(City Engineer)

11. Salt Marsh Mitigation Project Professional Services Contract

Recommendation: Authorize staff to execute a contract with SHN Consulting Engineers and Geologist, Inc. for Profession Engineering Services (Restoration Specialist/Landscape Contractor) for the Salt Marsh Mitigation Project, Phase I in the amount of \$98,000.  
(City Engineer)

12. Mayor's appointments to boards, commissions and committees.

Recommendation: Approve the Mayor's appointments and re-appointments to boards, commissions, and committees with the following term expirations dates:

Board of Appeals	Re-appt Paul Christen	01/01/2015
Board of Appeals	Re-appt Ross A. Nash	01/01/2015
Board of Appeals	Re-appt Charles Roscoe	01/01/2015
Board of Appeals	Re-appt John Vandermolen	01/01/2015
Finance Advisory	Appoint Bill Hancock	01/01/2013
Finance Advisory	Re-appt Robert R. Bartley	01/01/2015
Housing Advisory Board:	Appoint Margaret Stevens	01/01/2013

Historic Preservation	Re-appt Bill Hole	12/31/2014
Historic Preservation	Re-appt Ted Loring	12/31/2014
Personnel Board	Re-appt Loretta Nickolaus (Mayor)	01/01/2015

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## **ORDINANCES/RESOLUTIONS**

13. Redevelopment Agency – Exclusive Right to Negotiate e (ERTN) Agreement with Mission: SwimPossible  
Recommendation: 1. Adopt a Joint Resolution of the City Council and Redevelopment Agency approving an Exclusive Right to Negotiate Agreement (ERTN) with Mission: SwimPossible, a not-for-profit organization, for the purchase and development of Agency property APN 002-241-013 located on Waterfront Drive, and known as the Halvorsen site; and  
2. Authorize execution of a one year ERTN between the Eureka Redevelopment Agency and Mission: SwimPossible  
(Redevelopment Director)
14. Periodic Review of Service Rate Adjustment for Solid Waste Collection  
Recommendation: Adopt a Resolution of the City Council approving a solid waste collection rate increase by Recology Humboldt County effective July 1, 2011.  
(Public Works Director)

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## **REPORTS/ACTION ITEMS**

15. County General Plan Update and Multi-Family Rezone  
Recommendation: Receive Report  
(City Council)
16. Fee Waiver Request – North Coast Big Brothers, Bid Sisters Fundraiser  
Recommendation: 1. Deny request for a Adorni facility fee waiver from the North Coast Big Sisters Big Brothers organization as per Fee Waiver Request Policy No. 1.76; or  
2. Reinstate the Non-Profit 50% discount in place prior to the adoption of the 2010/11 Budget for this event only; or  
3. Require event holders to only pay for “hard costs”, i.e. actual staff time and supplies for the event, estimated at \$225.00.  
(City Manager)

17. Redevelopment Agency - "C" Street Market Square Water Feature Sculpture  
Recommendation: 1. Authorize the execution of an agreement with local Eureka sculptor Jack Sewell for the design, construction and installation of the "C" Street Market Square Water Feature Sculpture; and  
2. Approve expenditure not to exceed \$30,000 from Redevelopment Bond Proceeds for the "C" Street Market Square Water Feature Sculpture Project within the Redevelopment Project Area.  
(Redevelopment Director)
18. 2011 Fireworks Display  
Recommendation: 1. Authorize the City Staff to coordinate the annual 4<sup>th</sup> of July Fireworks display and to execute an agreement with PYRO Spectaculars; and  
2. Appropriate the \$40,000 in community donations received to fund the 2011 4<sup>th</sup> of July Fireworks display.  
(City Manager)
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#### **CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS**

Public Safety Report: Eureka Fire Department  
Harris Street Improvements

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#### **ADJOURNMENT**

*If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.*

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## NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov).
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
  1. We may disagree, but we will be respectful of one another.
  2. All comments will be directed to the issue at hand.
  3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at [www.accesshumboldt.net](http://www.accesshumboldt.net) – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail [ppowell@ci.eureka.ca.gov](mailto:ppowell@ci.eureka.ca.gov) or contact the City Clerk's office at (707) 441-4175.